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Message Text

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ORIGIN IO-14

INFO OCT-01 EUR-25 NEA-10 ADP-00 SS-15 L-03 EB-11 AF-10

ARA-16 EA-11 RSC-01 SY-10 INRE-00 SSO-00 NSCE-00

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DRAFTED BY: IO/TRC:CGRIP:CLARE
APPROVED BY: ACTING SECRETARY
IO - MR POPPER
IO - MR MOREY
NEA/ARN - MR KORN
EB/AVP - MR SILBERSTEIN
NEA - MR DAVIES
NEA - MR STACKHOUSE
L/EB - MR WILLIS
UNP - MISS VUNOVIC
S/S - MR GAMMON
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O 242342Z AUG 73
FM SECSTATE WASHDC
TO AMEMBASSY ROME IMMEDIATE
INFO AMEMBASSY BEIRUT IMMEDIATE
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USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 169577

C O R R E C T E D C O P Y (OMISSION PARAS 1 AND 2)

E.O. 11652: GDS
TAGS: ICAO, ETRN, IS,
SUBJECT: ICAO AIR SECURITY CONFERENCE: ARAB-ISRAELI ISSUE

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1. OUR OBJECTIVES AT ROME, ICAO EXTRAORDINARY ASSEMBLY/

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DIPLOMATIC CONFERENCE VIS-A-VIS MEA AIRCRAFT DIVERSION ISSUE WILL BE: (A) TO LIMIT EFFORTS TO CONDEMN ISRAEL AS CLOSELY AS POSSIBLE TO LANGUAGE ALREADY ADOPTED BY UN SECURITY COUNCIL AND ICAO EXTRAORDINARY COUNCIL; (B) TO PREVENT ANY SANCTIONS FROM BEING APPLIED AGAINST ISRAEL, IN PARTICULAR DENIAL OF AIR SPACE TO ISRAELI AIRCRAFT OR AIR SERVICES TO AND FROM ISRAEL; (C) TO RESIST ANY EFFORT TO EXPEL ISRAEL FROM ICAO OR LIMIT ITS PARTICIPATION IN ICAO ACTIVITIES; AND (D) TO IMPROVE CAPABILITIES FOR DEALING WITH FUTURE STATE INTERFEREN CE WITH CIVIL AVIATION A CTIVITIES THROUGH NEW PROVISIONS IN INTERNATIONAL LAW.

2. IN LIGHT OF UNSC RESOLUTION AUGUST 15 FOLLOWED BY EXTRAORDINARY ICAO COUNSIL IN RESOLUTIO N AUGUST 20 WE MUST EXPECT THAT AUGWST 10 ISRAELI DIVERSION OF LEBANESE CIVIL AIRCRAFT (UNDER CHARTER OF IRAQ) WILL BE INSCRIBED ON AGENDA OF ICAO EXTRAORDINARY ASSEMBLY WHICH CONVENES IN ROME AUGUST 28. ICAO COUNCIL RESOLUTION RECOMMENDS ASSEMBLY CONSIDER "THESE ACTIONS IN VIOLATION OF THE CHICAGO CON-VENTION AND TAKE MEASURES TO SAFEGUARD INTERNATIONAL CIVIL AVIATION." SIMILARLY ISSUE WILL BE BEFORE PARALLEL DIPLOMATIC CONFERENCE AT ROME AS CONSEQUENCE OF

RECOMMENDATION IN ICAO COUNCIL RESOLUTION THAT CONFERENCE "MAKE PROVISIONS IN CONVENTIONS FOR ACTS OF UNLAWFUL INTER-FERENCE COMMITTED BY STATES." THUS ARAB-ISRAELI CON-FRONTATION ON ISSUE APPEARS TO BE INEVITABLE AT OUTSET OF EXTRAORDINARY ASSEMBLY, WHEN LEBANON PRESUMABLY WILL ASK FOR INSCRIPTION OF ITEM, AND CAN BE EXPECTED TO BURDEN DIPLOMATIC CONFERENCE. GUIDANCE TO US REPRESENTATIVE FOR HANDLING THIS ISSUE IN BOTH FORA FOLLOWS.

3. WE SEE NO POSSIBILITY OF AVOIDING RESOLUTION BY THIS PLENARY MEETING OF ICAO CONDEMNING AUGUST 10 INCIDENT, AND OUR OBJECTIVE MUST BE INSTEAD TO CONTAIN IT AS TIGHTLY AS POSSIBLE WITHIN PARAMETERS ESTABLISHED BY UNSC AND ICAO COUNCIL RESOLUTIONS. LEBANESE TO THIS POINT HAVE PLACED OBJECTIVE OF UNANIMITY ABOVE THAT OF RHETORICAL SATIS-FACTION, AND WE HOPE THEY CAN BE PERSUADED TO PERSIST WITH THIS PRIORITY AT ROME. AS WE HAVE DONE SUCCESSFULLY IN CONFIDENTIAL

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UNSC AND ICAO COUNCIL, US DELEGATION SHOULD WORK AS INTIMATELY AS POSSIBLE WITH LEBANESE DELEGATION TO DRAFT RESOLUTION ALL CAN SUPPORT IN CONDEMNING ACTION ALL DEPLORE. OUR OBJECTIVE, THEREFORE, WOULD BE CONDEMNATORY RESOLUTION CONFORMING SCRUPLUOUSLY TO POLITICAL JUDGMENT REACHED IN UNSC AND CONFORMED TO CAREFULLY IN ICAO COUNCIL RESOLUTION.

4. DELEGATION SHOULD STOUTLY RESIST, AND MARSHALL STRONG-

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EST POSSIBLE SUPPORT FOR RESISTING, ANY MOVE TO APPLY SANCTIONS AGAINST ISRAEL. ATTITUDE ON THIS SHOULD BE THAT ALL CONSIDERATION AT ROME OF MEASURES TO SAFEGUARD INTERNATIONAL CIVIL AVIATION, OR PROVISIONS AGAINST UNLAWFUL INTERFERENCE BY STATES, MUST BE DIRECTED AT FUTURE INCIDENTS AND NOT RPT NOT BE DEVELOPED AS EX POST FACTO PENALTIES AGAINST ISRAEL FOR AUGUST 10 ACTION.

5. US REPRESENTATIVE SHOULD FLATLY REJECT ANY EXPULSION PROPOSAL AS UNCONSTITUTIONAL (SEE STATE 165I81), AND STRENUOUSLY RESIST ANY MOVE TO AMEND CHICAGO CONVENTION FOR THIS PURPOSE AS BEING INCONSISTENT WITH CONSTITUTIONAL POLICIES WITHIN UN SYSTEM AND IRRESPONSIBLE EFFORT TO FABRICATE LAW TO APPLY TO SINGLE STATE AND SINGLE INCIDENT.

6. MOVE TO REDUCE STATUS OF ISRAELI MEMBERSHIP (ALONG LINES OF RESOLUTIONS AFFECTING SOUTH AFRICA AND PORTUGAL AND REQUIRING ONLY SIMPLE MAJORITY) SHOULD BE COUNTERED BY POINTING OUT (A) BOTH UNSC AND ICAO COUNCIL JUSTLY RECOMMENDED FORWARD LOOKING ACTION INSTEAD TO CLARIFY CIVIL AVIATION PROCEDURES AND RULES IN LIGHT OF AUGUST 10 INCIDENT; (FYI. SOME ICAO COUNCIL MEMBERS, AT THE TIME OF VOTE, STATED, HOWEVER, THEIR INTERPRETATION THAT THE LANGUAGE SHOULD BE CONSTRUED AS APPLYING RETROACTIVE WITH

ISRAELI ACTS. END FYI); AND (B) ORGANIZATION DOES NOT SERVE ITS OBJECTIVE OF SECURING RESPONSIBLE CONDUCT BY A STATE WHEN IT RELIEVES THAT STATE TO ANY DEGREE FROM PARTICIPATION IN FORUM IN WHICH INTERNATIONAL RULES OF CONDUCT ARE DECIDED.

7. PROSPECTS FOR HOLDING LINE AGAINST RESTRICTION, PROVISIONAL OR OTHERWISE, ON ISRAELI MEMBERSHIP COULD TURN CONFIDENTIAL

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ON POSTURE GOI ASSUMES WITH RESPECT TO ITS FUTURE INTENTIONS ABOUT REPEATING AUGUST 10 SORT OF INTERFERENCE. WE ARE MAKING STRONG APPROACH TO GOI TO URGE IT TO DISPEL APPREHENSIONS ON THIS POINT, ADDUCED MAINLY FROM PUBLIC STATEMENTS BY DEFMIN DAYAN.

8. DELEGATION SHOULD WORK CLOSELY WITH LANESE DELEGATION TO ASSURE THAT DRAFT RESOLUTION TAKES MOST ACCEPTABLE POSSIBLE FORM BEFORE IT IS TABLED. WE ARE MAKING DEMARCHE IN BEIRUT TO URGE CLOSE COOPERATION AND DELAY IN TABLING DRAFT RESOLUTION TO PERMIT US TO WORK TOGETHER EFFECTIVELY.

9. TEXTS, AS THEY DEVELOP IN CONSULTATIONS AND AS TABLED, SHOULD BE TRANSMITTED IMMEDIATELY FOR STUDY BY DEPARTMENT AND BE REPEATED TO EMBASSIES TEL AVIV AND BEIRUT. RUSH

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